

ORDINANCE NO. 2194

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE; (Z-06-04; PDP-06-03).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on April 10, 2006, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, the zoning classification or districts of the lands legally described hereby are changed as follows:

The following described properties shall hereafter have a zoning classification of R-1, Planned Single Family Residential District; and RP-3, Planned Garden Apartment District; subject to the following stipulations:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The development shall be limited to 561 units.
- c. Prior to or concurrent with the application for final development plan approval, storm water detention plans and calculations shall be submitted for review and approval by Public Works Department staff.
- d. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
- e. Prior to the issuance of building permits, the Planning Commission and City Council shall approve a final development plans for the subject property.
- f. The homeowners association covenants and restrictions regarding maintenance of the private streets and subdivision landscaping shall be submitted for approval by the City Council prior to or concurrent with submittal of final development plans for the subject property.

CASE NO. Z-06-04

Rezoning from A, Agricultural District, to RP-1, Planned Single Family Residential District; and RP-3, Planned Garden Apartment District

Legal Descriptions:

RP-1 Zoning

TRACT 7 DESCRIPTION: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE 6TH PRINCIPAL MERIDIAN,

JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 22 EAST; THENCE NORTH 88°49'34" EAST COINCIDENT WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER SECTION, 2596.31 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 01°55'06" EAST, COINCIDENT WITH THE EAST LINE OF SAID SOUTHWEST QUARTER SECTION, 2070.03 FEET; THENCE NORTH 74°05'16" WEST, 160.71 FEET TO A POINT OF NON-TANGENT CURVATURE TO THE RIGHT; SAID CURVE HAVING A CHORD BEARING OF SOUTH 52°20'56" WEST WITH A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 254.37 FEET; THENCE SOUTH 88°47'09" WEST, 70.00 FEET; THENCE NORTH 01°12'51" WEST, 1070.00 FEET; THENCE SOUTH 88°47'09" WEST, 312.21 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 500.00 FEET AND AN ARC LENGTH OF 216.96 FEET; THENCE NORTH 66°21'09" WEST, 28.70 FEET; THENCE NORTH 23°38'51" EAST, 501.91 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1000.00 FEET AND AN ARC LENGTH OF 433.26 FEET; THENCE NORTH 01°10'35"W, 19.09', THENCE SOUTH 88°49'25" WEST, 188.63 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1975.00 FEET AND AN ARC LENGTH OF 98.79 FEET; THENCE SOUTH 85°57'28" WEST, 424.71 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 2025.00 FEET AND AN ARC LENGTH OF 253.31 FEET; THENCE NORTH 86°52'30" WEST; 66.31 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1975.00 FEET AND AN ARC LENGTH OF 99.97 FEET; THENCE SOUTH 01°01'35" EAST, 106.58 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 311.10 FEET; THENCE SOUTH 87°56'47" WEST, 337.74 FEET; THENCE SOUTH 02°03'13" EAST, 260.00 FEET; THENCE SOUTH 87°56'47" WEST, 290.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 14; THENCE NORTH 02°03'13" WEST COINCIDENT WITH SAID WEST LINE 728.33 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART IN ROAD RIGHT OF WAY, DESCRIBED TRACT CONTAINS 42.556 ACRES (1,853,737 SQUARE FEET), MORE OR LESS.

RP-3 Zoning

TRACT 6 LEGAL DESCRIPTION: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE 6TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, KANSAS. DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 22 EAST; THENCE NORTH 02°03'13" WEST COINCIDENT WITH THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION, 998.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID WEST LINE NORTH 02°03'11" WEST, 947.67 FEET; THENCE NORTH 87°56'47" EAST, 290.00 FEET; THENCE NORTH 02°03'13" WEST, 260.00 FEET; THENCE NORTH 87°56'47" EAST, 337.74 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ON A CURVE TO THE LEFT HAVING A CHORD BEARING OF NORTH 43°58'23" EAST WITH A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 311.10 FEET; THENCE NORTH 01°10'35" WEST, 106.58 FEET TO A POINT OF NON-TANGENT CURVATURE TO THE RIGHT HAVING A CHORD BEARING OF SOUTH 88°19'35" EAST WITH A RADIUS OF 1975.00 FEET AND AN ARC LENGTH OF 99.97

FEET; `THENCE SOUTH 86°52'30" EAST, 66.31 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 2025.00 FEET AND AN ARC LENGTH OF 253.31 FEET; THENCE NORTH 85°57'28" EAST, 424.71 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 1975 FEET AND AN ARC LENGTH OF 98.79 FEET; THENCE NORTH 88°49'25" EAST, 188.63 FEET; THENCE SOUTH 01°10'35" EAST, 19.09 FEET TO A POINT OF CURVATURE TO THE RIGHT WITH A RADIUS OF 1000.00 FEET AND AN ARC LENGTH OF 433.26 FEET; THENCE SOUTH 23°38'51" WEST, 501.91 FEET; THENCE SOUTH 66°21'09" EAST, 28.70 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 500.00 FEET AND AN ARC LENGTH OF 216.96 FEET; THENCE NORTH 88°47'09" EAST, 312.21 FEET; THENCE SOUTH 01°12'51" EAST, 1070.00 FEET; THENCE NORTH 88°47'09" EAST, 70.00 FEET TO A POINT CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 254.37 FEET; THENCE SOUTH 74°05'16" EAST, 160.71 FEET; THENCE SOUTH 01°55'06" EAST, 586.61 FEET; THENCE SOUTH 87°57'20" WEST, 1086.09 FEET; THENCE SOUTH 88°47'09" WEST, 120.65 FEET; THENCE NORTH 01°12'51" WEST, 796.47 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 1500.00 FEET AND AN ARC LENGTH OF 293.15 FEET; THENCE NORTH 81°47'21" WEST, 331.75 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 750.00 FEET AND AN ARC LENGTH OF 134.27 FEET; THENCE SOUTH 87°57'13" WEST, 121.30 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 750.00 FEET AND AN ARC LENGTH OF 225.98 FEET; THENCE SOUTH 70°41'25" WEST, 243.74 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 750.00 FEET AND AN ARC LENGTH OF 225.98 FEET; THENCE SOUTH 87°57'13" WEST, 168.33 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART IN ROAD RIGHT OF WAY. DESCRIBED TRACT CONTAINS 81.539 ACRES (3,551,843 SQUARE FEET), MORE OR LESS.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

PASSED and APPROVED this 1st day of May, 2006.

ATTEST:

Carol Lehman, Mayor

Gwen Scott, City Clerk

(SEAL)